

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

GEORGE E. CARTER,

Plaintiff,

v.

//

CIVIL ACTION NO. 1:05CV130
(Judge Keeley)

FEDERAL BUREAU OF PRISONS,
DIRECTOR HARLEY LAPPIN,
ADMINISTRATOR HARRELL WATTS,
REGIONAL DIRECTOR KIM WHITE,
WARDEN K. J. WENDT,
RECORD OFFICE STAFF DUANE BROWN,
UNIT MANAGER D. MCADAMS,
and JANE DOE,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION

On September 15, 2005, pro se plaintiff George E. Carter ("Carter") filed his complaint, pursuant to 42 U.S.C. §1983 and 42 U.S.C. §1985, alleging that the defendants violated his civil rights by failing to maintain the accuracy of his inmate records. The Court referred the complaint to United States Magistrate Judge James E. Seibert for initial screening and a report and recommendation in accordance with Local Rule of Prisoner Litigation 83.09.

On January 18, 2006, Magistrate Judge Seibert issued a Report and Recommendation recommending that Carter's original complaint be served on the defendants and that his "amended complaint be stricken from the record and removed from the active docket." The magistrate judge concluded that Carter had asserted sufficient

ORDER ADOPTING REPORT AND RECOMMENDATION

information to show that his claim is not frivolous or malicious. The magistrate judge further concluded that Carter had failed to raise the claim contained in his amended complaint in the Bureau of Prisons' administrative remedy process prior to bringing the claim to this Court.

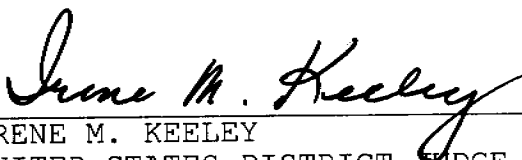
The Report and Recommendation informed Carter that failure to object to the recommendation and report would result in the waiver of his appellate rights on this issue. No objections were filed.¹

The Court **ADOPTS** the Report and Recommendation in its entirety and **DIRECTS** the Clerk of the Court to serve a copy of the original complaint on the defendants and to strike the amended complaint from the record and remove it from the active docket.

It is so **ORDERED**.

The Clerk is directed to mail a copy of this Order to the pro se plaintiff, certified mail, return receipt requested.

Dated: February 8, 2006.


IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE

¹ Carter's failure to object to the Report and Recommendation waives his appellate rights in this matter and relieves the Court of any obligation to conduct a de novo review of the issue presented. See Thomas v. Arn, 474 U.S. 140, 148-153 (1985); Wells v. Shriners Hosp., 109 F.3d 198, 199-200 (4th Cir. 1997).